APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,730	03/29/2004	Jo Ann Joels	RIC 03 006	1435

25537 7590 01/23/2009	EXAMINER	
VERIZON	ANWARI, MACEEH	
PATENT MANAGEMENT GROUP		
1320 North Court House Road	ART UNIT	PAPER NUMBER
9th Floor	2444	
ARLINGTON, VA 22201-2909		

NOTIFICATION DATE	DELIVERY MODE
01/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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patents@verizon.com

	Application No.	Applicant(s)
	10/811,730	JOELS ET AL.
Office Action Summary	Examiner	Art Unit	
	MACEEH ANWARI	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 March 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-39_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-39_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____.
3)☒ Information Disclosure Statement(s) (PTO/SB/08)   5)☐ Notice of Informal Patent Application
    Paper No(s)/Mail Date _3/29/2004_.   6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to communications file on 3/29/2004. **Claim(s) - 39**

are pending.

Specification

2.   The use of the trademarks NetCool and NetExpert have been noted in this

application. It should be capitalized wherever it appears and be accompanied by the

generic terminology.

        Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.\

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   **Claims 24- 30** recite the limitation "inter-network gateway". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-2, 4-6, 8-14,16-20, 23-26, 28- 31, 34- 36 and 38- 39** rejected under

35 U.S.C. 103(a) as being unpatentable over **Or et al.** (hereinafter **Or** U.S. Pub. No.:

2002/0067742 A1) and further in view of **Bowman-Amuah** (hereinafter **Bowman** U.S.

Pat. No.: 6,556,659 B1.

7.   Regarding **claim 1 Or**, discloses: A method of using a data communications

network, the method comprising:

        receiving at a gateway device a first communication from a first network that is

addressed for a network element of a second network, wherein the second network is

based on a different technology than the first network and wherein the gateway device

comprises a layer 3 gateway **(Fig. 1 and par. 2-5; cellular network to Internet, WAP

gateway)**;

        transmitting the first communication from the gateway device to the second

network **(Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway)**;

        receiving at the gateway device a second communication from the second

network that is addressed for a network element of the first network **(Fig. 1 and par. 2-

5; cellular network to Internet, WAP gateway)**;

        transmitting the second communication from the gateway device to the first

network **(Fig. 1 and par. 2-5; cellular network to Internet, WAP gateway)**;

        periodically polling the gateway device to obtain operating parameters related

communications between the first and second networks**(Fig. 1 and par. 6- 8; SNMP

and MIB setting and changing of parameters on network devices)**;

analyzing the operating parameters **(Fig. 1 and par. 6- 8; SNMP, TRAP command,

management process collecting and reporting data and MIB)**.

However, **Or** remains silent on the specific teachings of generating a health report related to at least the gateway device, the health report being based upon analysis of the operating parameters.

In the same field of endeavor, **Bowman** discloses generating a health report related to at least the gateway device, the health report being based upon analysis of the operating parameters **(Abstract and par. 264- 265; status reports, problem reports, SLA violations and fault management)**.

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Bowman's** teachings of status and problem reporting with the teachings of **Or** to provide for a more efficient management system.

8.   Regarding **claim 2**, **Or-Bowman** further discloses**:** wherein polling the gateway device to obtain operating parameters comprises obtaining information related to a flowcache **(par. 25; IP tables for configuration and statistics, system parameters, interface tables, ARP tables and UDP tables)**.

9.   Regarding **claim 4**, **Or-Bowman** further discloses**:** wherein polling the gateway device to obtain operating parameters comprises obtaining node configuration information **(par. 25 and 28; WAP configuration)**.

10.   Regarding **claim 5**, **Or-Bowman** further discloses**:** wherein the node configuration information comprises a number of layer 3 connections **(par. 23- 25; network devices such as routers and WAP configuration)**.

11.   Regarding **claim 6**, **Or-Bowman** further discloses: wherein the node

configuration information comprises a number of VPRN (virtual private routed network)

connections **(Bowman: par. 4, 6, 128 and 156; private VNets)**.

12.   Regarding **claim 8**, **Or-Bowman** further discloses: wherein the first network

comprises the Internet **(Par. 2; Internet)**.

13.   Regarding **claim 9**, **Or-Bowman** further discloses: wherein the second network

comprises at least one of a frame relay network, an asynchronous transfer mode

network, private internet protocol network or an internet protocol virtual private network

(Bowman: par. 4, 6, 128 and 156; frame relay, ATM, private Internets, VNets, and

Private VNets).

14.   Regarding **claim 10**, **Or-Bowman** further discloses: wherein the gateway

further implements a firewall function when transmitting communications between the

first and second networks **(par. 28 and 44; WAP security, WTLS and TLS)**.

15.   Regarding **claim 11**, **Or-Bowman** further discloses: wherein analyzing the

operating parameters comprises comparing the operating parameters to a threshold

value **(par. 6; set and retrieve values and parameters)**.

16.   Regarding **claim 12**, **Or-Bowman** further discloses: further comprising setting a

flag if the operating parameters exceed the threshold value **(par. 6-8 and 80- 89;**

SNMP, TRAP and sending of reports).

17.   Regarding **claim 13**, **Or-Bowman** further discloses: wherein comparing the

operating parameters to a threshold value comprises comparing the operating

parameters to a warning threshold value and also comparing the operating parameters

to an augment threshold value **(par. 6-8 and 80- 89; SNMP, TRAP and security and memory/buffer size)**.

18.   Regarding **claim 23**, **Or-Bowman** further discloses: wherein polling an internetwork gateway to collect data related to the inter-network gateway further comprises collecting data related to card toggles, CPU utilization or memory utilization **(par. 6-8 and 80- 89; SNMP, TRAP and security and memory/buffer size)**.

19.   Regarding **claim 25**, **Or-Bowman** further discloses: wherein the program code operates on a UNIX-based operating system **(par. 16; UNIX Operating system)**.

20.   Regarding **claim 26**, **Or-Bowman** further discloses: wherein periodically polling the gateways comprises initiating a SNMP connection with each of the gateways **(Fig. 1 and par. 5-8; using SNMP managment)**.

21.   Regarding **claim 29**, **Or-Bowman** further discloses: wherein the computer program code for writing data comprises computer program code for writing raw data into a raw data file and computer program code for writing summary data into a summary data file **(par. 6-8; management process collects and reports data and the MIB actually defines the data)**.

22.   Regarding **claim 30**, **Or-Bowman** further discloses: wherein the computer program code for automatically transmitting the report comprises computer program code for automatically transmitting an ASCII file via e-mail **(par. 2 and 17; e-mailing capabilities and suitable programming languages)**.

       As per **claims 14, 16-20, 24, 28, 31, 34-36, and 38- 39** they list substantially the same elements as those found in **claims 1-2, 4-6, 8-13, 23, 25-26 and 29-30** and are

therefore rejected using the same rationale as applied to **claims 1-2, 4-6, 8-13, 23, 25-26 and 29-30**.

23.   **Claims 3, 7, 15, 22, 27, 32- 33 and 37** rejected under 35 U.S.C. 103(a) as being unpatentable over **Or-Bowman** and further in view of **Gray et al.** (hereinafter **Gray** U.S. Pub. No.: 2008/0189353 A1).

24.   Regarding **claim 3, Or-Bowman** disclose the invention as discussed above.

However **Or-Bowman** remain silent on the specific teachings of polling the gateway device to obtain operating parameters comprises obtaining information related to an internet key exchange security association.

In the same field of endeavor, **Gray** discloses polling the gateway device to obtain operating parameters comprises obtaining information related to an internet key exchange security association **(par. 43; Internet Key Exchange(IKE))**.

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Gray's** teachings of IKE with the teachings of **Or-Bowman** to provide for a more flexible and secure system.

As per **claims 15, 21-22, 32-33 and 37** they list substantially the same elements as those found in **claim 3** and are therefore rejected using the same rationale as applied to **claim 3**.

25.   Regarding **claim 7, Or-Bowman-Gray** further discloses: wherein the node configuration information comprises a number of IPSec tunnels **(Gray: par. 43; IPSec tunnels)**.

26.   Regarding **claim 22**, **Or-Bowman-Gray** further discloses: wherein the parameters comprise a count of number of dead IKE SAs **(Gray: par. 43; Internet Key Exchange)**.

27.   Regarding **claim 27**, **Or-Bowman-Gray** further discloses: wherein periodically polling the gateways comprises initiating a CLI connection with each of the gateways **(Gray: par. 38 and 59; CLI)**.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   **Hirose et al.** (U.S. Pub. No.: 2004/0030533), directed towards a monitoring system monitor sites which proved cellular phones and PDAs with connect.

b.   **Beyda** (U.S. Pub. No.: 2004/0139179 A1), directed towards a system for monitoring router reconfigurations and to reducing the likelihood of faulty network conditions as a result of router reconfigurations.

c.   **Schick** (U.S. Pat. No.: 6, 795, 400 B1), directed towards systems and methods for providing packet loss service-level guarantees for data network communication.

d.   **Laiho et al.** (U.S. Pub. No.: 2006/0264200 A1), directed towards the interception of multimedia calls within a communications network.

    e.   **Hansen** (U.S. Pub. No.: 2003/0177245 A1), directed towards interfacing a communications network to a communications entity that includes a radio or another communications network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444